



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation on November 2, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST-97-3261

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Federal Express Corporation** filed **10/7/98** for:

XX Exemption from dormancy condition:

By Order 96-9-16 the Department allocated Federal Express five weekly frequencies to expand its U.S.-Thailand all-cargo operations, in addition to one frequency previously allocated to Federal Express. That award was subject to the condition that it will expire automatically and the frequencies will automatically revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the order Federal Express' frequency allocation would expire April 1, 1997, if Federal Express did not begin service by that date. Since then, the Department has granted extensions of the startup date of the sixth frequency through December 30, 1998. (See Orders 97-5-6 and 98-3-1 and Notice of Action Taken dated June 15, 1998.) Federal Express is currently operating five frequencies and most recently operated its sixth frequency on November 15, 1997.

Federal Express seeks an exemption from the 90-day dormancy condition so as to delay startup of its sixth frequency until December 31, 1999. Federal Express states that because of the continuing economic difficulties impacting the level of demand for its U.S.-Thailand cargo service, the optimum date to commence its operations for the sixth frequency is December 31, 1999. Federal Express indicated that it would commence utilization of the sixth frequency as soon as traffic conditions warrant.

Applicant rep.: **Nathaniel Breed (202) 663-8078** DOT analyst: **Sylvia Moore (202) 366-6519**

DISPOSITION

XX Granted (see below)

The above action was effective when taken: **October 30, 1998,** through **December 31, 1999**

XX Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

Conditions: The 90-day dormancy period will begin December 31, 1999, Federal Express' proposed startup date for its sixth U.S.-Thailand all-cargo frequency.

Remarks: Taking into consideration the economic situation in Thailand, along with the representations made by Federal Express in its application, we determined that grant of Federal Express' request to delay startup of its sixth frequency is in the public interest.

(See Reverse Side)

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the exemption was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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<http://dms.dot.gov/general/orders/aviation>*